Filed 5/19/09 P. v. Cruz CA2/3

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE, Plaintiff and Respondent, v. SOCHIL TRIANA CRUZ, Defendant and Appellant.	B207962 (Los Angeles County Super. Ct. No. BA303154)

APPEAL from a judgment of the Superior Court of Los Angeles County, Michael M. Johnson, Judge. Affirmed.

Linn Davis and Cynthia A. Thomas, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Susan D. Martynec and Robert M. Snider, Deputy Attorneys General, for Plaintiff and Respondent.

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Sochil Triana Cruz appeals from the judgment entered following her pleas of no contest to two counts of second degree robbery (Pen. Code, § 211; counts 2 & 7), count 5 - attempted second degree robbery (Pen. Code, §§ 664, 211), count 9 – first degree robbery (Pen. Code, § 211), two counts of kidnapping (Pen. Code, § 207; counts 13 & 14), and count 15 - attempted kidnapping (Pen. Code, §§ 664, 207), following the denial of her suppression motion (Pen. Code, § 1538.5). The court sentenced appellant to prison for 12 years 10 months. We affirm the judgment.

FACTUAL AND PROCEDURAL SUMMARY

1. *The Substantive Offenses.*

The facts regarding the above offenses are not pertinent to this appeal. Suffice it to say appellant committed the offenses in 2006.

2. *Suppression Hearing Proceedings.*

a. *Pertinent Evidence.*

In October 2006, appellant brought a Penal Code section 1538.5 suppression motion on the grounds, in pertinent part, that police illegally detained her, and illegally impounded the below discussed GMC Yukon SUV. The resulting search of the SUV yielded a gun and alleged other evidence which appellant sought to suppress.

Viewed in accordance with the usual rules on appeal (*People v. Leyba* (1981) 29 Cal.3d 591, 596-597), the evidence presented at the February 2007 suppression hearing established as follows. About 1:00 a.m. on May 19, 2006, Los Angeles Police Officer Osvaldo Delgadillo, who was assigned to the Rampart patrol area, was on patrol in a marked patrol car with his partner, Los Angeles Police Officer Ocegueda. Delgadillo saw a GMC Yukon SUV which approached and passed by the patrol car. Delgadillo testified he would have been able to see the "windshield, the front window" as the SUV passed. The SUV "had no license plates," but did have paper plates, i.e., auto dealer advertisements, on the front and back of the SUV.

Delgadillo did not see any dealer paperwork on the SUV. Dealer paperwork was usually given by an auto dealer to the vehicle buyer, and needed to be displayed on the vehicle for registration and law enforcement purposes. According to Delgadillo, newly-

sold vehicles came with paper plates and the real license plate came later. However, used vehicles were supposed to have license plates. Sometimes they did not, and the matter was left to the discretion of the dealer. Nonetheless, by law, older cars had to have license plates. During appellant's cross-examination of Delgadillo, appellant showed Delgadillo a photograph which appeared to depict the SUV. Appellant also showed Delgadillo a photograph depicting temporary identification. Delgadillo testified that, perhaps because it had been dark, he had not seen the temporary identification. He testified he was "going for a license plate."

During Delgadillo's testimony, appellant showed Delgadillo a photograph of documentation on the SUV. Delgadillo testified the documentation was not visible from the back of the SUV. When Delgadillo was following the SUV, he did not see the documentation anywhere on the SUV. The documentation was the type that Delgadillo normally saw displayed on a vehicle to reflect that the Department of Motor Vehicles had issued a temporary registration.

Delgadillo testified as follows. "When [Delgadillo] stopped the [SUV], it was primarily to cite the driver for failure to have license plates[.]" Delgadillo stopped any car that had paper plates. However, he did not stop every car but conducted a stop only if he believed the law had been violated. Delgadillo testified he believed a violation had occurred in the present case because the SUV was an older vehicle, it had paper plates, older vehicles tended to have "plates," and, for some reason, the SUV did not have "plates."

When the SUV stopped, it seemed to be legally parked but Delgadillo could not remember if there were any no parking signs. The SUV was not a traffic hazard.

Delgadillo and Ocegueda exited their patrol car and approached the SUV. While approaching, Delgadillo noticed codefendant Delgado and appellant seated in the SUV's driver's seat and front passenger seat, respectively. Delgadillo and Ocegueda immediately went to the right front passenger side and the driver's side, respectively, of the SUV. Neither officer went to the front of the SUV to inspect it.

Ocegueda asked Delgado for his driver's license and registration. Delgado failed to produce a driver's license or registration, but provided his name. Delgadillo did not hear appellant say that she was the SUV's owner. The SUV's front and rear windows were halfway up, and a middle window was open.

The SUV's occupants, including appellant, were asked to exit the SUV. Ocegueda then ran Delgado's name on the computer, but ran nothing about the SUV. Delgadillo learned that Ocegueda had received information that Delgado did not have a driver's license. The decision was made to impound the SUV and, at that time, all of the SUV's occupants were outside the SUV. Delgadillo testified that after Ocegueda advised him that Delgado did not have a driver's license, Ocegueda proceeded to impound the SUV "due to the driver being an unlicensed vehicle." (*Sic*.) Delgado was not then free to leave. When the impounding began, the SUV's occupants were ordered onto the sidewalk.

Ocegueda began conducting an inventory search of the SUV. Delgadillo testified an inventory search was conducted and "[b]ecause [Delgado] had no license, we were going to impound the [SUV]." Delgadillo testified that he spoke to appellant and she said she had a driver's license and the SUV was hers. Delgadillo asked appellant why she was not driving. Appellant said something to the effect that she was hurt and that that was why she was unable to drive. After Delgadillo learned this, Ocegueda continued the inventory search. Appellant did not appear to be intoxicated.

Delgadillo testified that Ocegueda began the inventory search before appellant said anything about a license. Delgadillo also testified, however, that appellant told Delgadillo about a valid driver's license before Ocegueda began searching the SUV.

When Ocegueda began searching the SUV, the officers advised appellant that the SUV was going to be impounded. Appellant said the SUV was hers and she wanted to know why it was going to be impounded if it was her SUV. She did not provide any proof of registration at that time.

During appellant's cross-examination of Delgadillo, appellant showed him a photograph (defense exhibit A). The photograph apparently depicted a temporary

certification on a vehicle. Delgadillo did not remember seeing the temporary certification when he had the SUV's occupants exit or when the SUV was being searched.[1]

During the inventory search, the officers found a gun in the rear of the SUV. The gun was not near appellant or Delgado. The officers requested additional units, they arrived, and the occupants were handcuffed for the crime of possession of a firearm. The inventory search continued. No citation was issued to Delgado because he was under arrest.

During recross-examination, Delgadillo testified as follows. A newly-purchased car, whether it was new or used, normally had registration taped on the front. Appellant, examining Delgadillo, showed Delgadillo a photograph depicting a row of cars and a portion of the passenger side of a windshield. Delgadillo testified the photograph appeared to depict something on the bottom of the windshield. Delgadillo did not, while testifying, know what the item depicted on the windshield was. Appellant showed Delgadillo other photographs which referred to " 'Firestone Auto Mall[.]' " Under "that" was a document that said " 'temporary identification' " with a number. Delgadillo did not see the temporary identification on the night at issue, and did not know how it got there. Delgadillo suggested someone may have put it there after the SUV was stopped.

Delgadillo found the vehicle identification number of the SUV on its driver's side. The vehicle identification number was not run before the SUV was searched. The vehicle identification number was run after everything was done and after the officers had found everything, and the number was run to verify the SUV was not stolen. Delgadillo determined appellant was one of the SUV's owners. Appellant indicated she had a valid driver's license, or appellant showed one to Delgadillo.

Appellant asked Delgadillo during cross-examination if there was a reason the SUV needed to be impounded when Delgadillo found out the registered owner was there

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[1] The following vague exchange occurred: "Q . . . If you had seen it, you wouldn't have cared? You were going to impound that vehicle; is that correct? [¶] A Absolutely, ma'am."

with a valid license. Delgadillo testified the driver had no license, there was the letter of the law and the spirit of the law, and "[w]e like to go with the letter of the law, and that is that if someone is driving a vehicle in California with no license, that car can be impounded." According to Delgadillo, if a car's registered owner, who had a valid driver's license, had a car being driven by someone without a license, the car was going to be impounded. Delgadillo indicated department policy stated that police impounded vehicles driven by unlicensed drivers, but he also suggested this only occurred sometimes.[2]

b. *Additional Proceedings.*

The People argued, inter alia, that the police had probable cause to stop the SUV and police were entitled to impound it. The prosecutor noted Delgadillo had testified it was the officers' plan to impound the car "based upon the driver's failure to have a license." The court asked what authority there was for officers to "impound the car, as opposed to arresting the driver and leaving the car at the location or turning it over to the appropriate owner[.]" The prosecutor cited former Vehicle Code section 22651, subdivision (h).

The trial court, in a written ruling filed on February 28, 2007, denied appellant's suppression motion. In the written ruling, the court concluded, inter alia, that the police lawfully stopped, impounded, and conducted an inventory search of, the SUV. As to the impounding in particular, the court concluded it was lawful under former Vehicle Code section 22651, subdivisions (h)(1), and (p).

On September 12, 2007, appellant filed a motion for reconsideration alleging that, as a consequence of *Miranda v. City of Cornelius* (9th Cir. 2005) 429 F.3d 858, the

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[2] During argument on the suppression motion, the court, referring to a defense photograph and/or a copy of a photograph attached to appellant's suppression motion, told appellant's counsel, "I can see what you're talking about. Certainly it had the dealer cards in the license plate frames on the front and back bumper; and then, according to the photograph, there is taped to the window a Firestone Auto Mall sticker, inside of which is something that reads 'temporary identification' for the purchaser with a serial number on it."

Los Angeles Police Department (LAPD), in August 2007, had declared a moratorium on the impounding of vehicles driven by unlicensed drivers. The motion for reconsideration also indicated that, in September 2007, LAPD indicated its intent to lift the moratorium. The court denied the motion for reconsideration.

CONTENTION

Appellant claims the traffic stop of the SUV was illegal and police unlawfully impounded the SUV; therefore, the trial court erroneously denied her suppression motion.

DISCUSSION

The Trial Court Properly Denied Appellant's Suppression Motion.

1. *Police Lawfully Stopped the SUV.*

"The Fourth Amendment proscribes only '*unreasonable'* searches and seizures, and that proscription applies to investigative stops of vehicles . . . ." [Citations.]" (*People v. Glick* (1988) 203 Cal.App.3d 796, 801.) A detention is reasonable under the Fourth Amendment when the detaining officer can point to specific articulable facts which, considered in light of the totality of the circumstances, provide an objective manifestation that the person detained may be involved in criminal activity. (*People v. Souza* (1994) 9 Cal.4th 224, 231.)

"Any vehicle driven on the roadway must display valid license plates or a valid temporary permit. (Veh. Code, §§ 4156, 5200, 5201, 5202.)" (*People v. Hernandez* (2008) 45 Cal.4th 295, 298.)[3] When a police officer, driving behind a vehicle, sees it

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[3] Former Vehicle Code section 4156, provides, "Other provisions of this code notwithstanding, the department in its discretion may issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by, and paid to the department, by the owner or other person in lawful possession of such vehicle. The permit shall be subject to such terms and conditions and shall be valid for such period of time as the department shall deem appropriate under the circumstances." Vehicle Code section 5200, provides, in relevant part, "(a) When two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear. [¶] (b) When only one license plate is issued for use upon a vehicle, it shall be attached to the rear thereof, . . ." Vehicle Code section 5201, provides, in relevant part, "License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from

being driven without license plates and without a temporary operating permit in the vehicle's rear window, the officer is entitled to conduct a traffic stop of the vehicle to investigate whether it is being driven in violation of vehicular license requirements. The fact, if true, that the vehicle had a temporary operating permit on the front window is not controlling where the officer could not see that permit from behind the vehicle, and the officer is not obligated to drive around the vehicle to inspect its front windshield before stopping the vehicle. (*In re Raymond C.* (2008) 45 Cal.4th 303, 305-308 (*Raymond C.*).)

The record is not a model of clarity on the issue of whether a temporary operating permit was in fact affixed to the right passenger side of the front windshield at the time Delgado was driving the SUV. However, assuming arguendo that such a permit was there at that time,[4] the trial court reasonably could have concluded that the permit was not visible to Delgadillo during the short period within which Delgadillo had to view the

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swinging, shall be mounted in a position so as to be clearly visible, and shall be maintained in a condition so as to be clearly legible." Vehicle Code section 5202, provides, in relevant part, "Every license plate issued by this State or any other jurisdiction within or without the United States shall remain attached during the period of its validity to the vehicle for which it is issued while being operated within this State . . . or until such time as a vehicle with special or identification plates is no longer entitled to such plates and no person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle unless the license plate is so attached. Special permits issued in lieu of plates shall be attached and displayed on the vehicle for which issued during the period of their validity."

[4] Appellant has filed a "Notice and Request for Judicial Notice Pursuant to Evidence Code section 452 and 459 and Request to Transmit as Exhibit Pursuant to Rule 8.224, Subdivision (d) (C.R.C.), Declaration of Counsel, Memorandum of Points and Authorities and Proposed Order." In it, appellant requests this court to take judicial notice of what appellant represents was defense exhibit A, a photographic display "admitted into evidence by reference" and reflecting that a "temporary certification sticker [was] displayed on her front windshield in compliance with Vehicle Code section 5202." Appellant also requests that the exhibit be transmitted to this court. There is no need to rule on appellant's requests. Even if we granted them and concluded such a sticker had been on the front windshield when Delgado was driving, it would not, in the circumstances of this case, affect the analysis of whether the traffic stop of the SUV was lawful.

SUV as it passed by him at 1:00 a.m. at night. We note appellant asserts in her opening brief, "Delgadillo testified that as the [SUV] passed them on the street at night they did not see any temporary registration on the windshield. . . . Given that the stop occurred at night it is not surprising that [Delgadillo] was unable to see the temporary registration on the car as it drove passed him."

We believe the reasoning of *Raymond C.* controls here, where the SUV had no license plates and there was substantial evidence the officers could not and did not see any temporary operating permit affixed to the front windshield. Accordingly, we conclude Delgadillo lawfully stopped the SUV to investigate whether it was being driven in violation of vehicular license requirements. (Cf. *Raymond C., supra,* 45 Cal.4th at pp. 305-308.) The facts that Delgadillo was not behind the SUV when he first saw it but only after it passed by him, and the SUV may have had paper plates, i.e., auto dealer advertisements, on the front and back of the SUV, do not compel a contrary conclusion.

2. *Police Lawfully Seized the SUV to Conduct an Inventory Search.*

a. *Applicable Law.*

The remaining issue is whether police lawfully seized the SUV. In *Miranda v. City of Cornelius, supra,* 429 F.3d 858 (*Miranda*), the court stated, "The impoundment of an automobile is a seizure within the meaning of the Fourth Amendment. A seizure results if 'there is some meaningful interference with an individual's possessory interests in that property.' *Soldal v. Cook County,* 506 U.S. 56, 61, 113 S.Ct. 538, 121 L.Ed.2d 450 (1992). . . .

" 'A seizure conducted without a warrant is per se unreasonable under the Fourth Amendment -- subject only to a few specifically established and well delineated exceptions. The burden is on the Government to persuade the . . . court that a seizure comes under one of a few specifically established exceptions to the warrant requirement.' [Citation.]." (*Miranda, supra,* 429 F.3d at p. 862.) One such exception is the community caretaking doctrine. (*Id.* at p. 862.)

"In their 'community caretaking' function, police officers may impound vehicles that 'jeopardize public safety and the efficient movement of vehicular traffic.' ([*South*

Dakota v. Opperman (1976) 428 U.S. 364,] 368-369 (*Opperman*).) Whether an impoundment is warranted under this community caretaking doctrine depends *on the location of the vehicle* and the police officers' duty to prevent it from creating a hazard to other drivers *or being a target for vandalism or theft. See United States v. Jensen*, 425 F.3d 698, 706 (9th Cir. 2005) ('Once the arrest was made, the doctrine allowed law enforcement officers to seize and remove any vehicle which may impede traffic, threaten public safety, *or be subject to vandalism*.'); *Hallstrom v. City of Garden City*, 991 F.2d 1473, 1477, n.4 (9th Cir. 1993) (impoundment of arrestee's car from private parking lot *'to protect the car from vandalism or theft'* was reasonable under the community caretaking function). A driver's arrest, or citation for a non-criminal traffic violation as in this case, is not relevant except insofar as it affects the driver's ability to remove the vehicle from a location at which it jeopardizes the public safety *or is at risk of loss*. . . .

"The reasonableness of an impoundment under the community caretaking function does not depend on whether the officer had probable cause to believe that there was a traffic violation, but on whether the impoundment fits within the 'authority of police to seize and remove from the streets vehicles impeding traffic or threatening public safety and convenience . . . .' *Opperman*, 428 U.S. at 369." (*Miranda, supra*, 429 F.3d at p. 864.)

"If officers are warranted in impounding a vehicle, a warrantless inventory search of the vehicle pursuant to a standardized procedure is constitutionally reasonable. (*Opperman, supra,* 428 U.S. at p. 372.) . . . Although a police officer is not required to adopt the least intrusive course of action in deciding whether to impound and search a car (*Colorado v. Bertine* (1987) 479 U.S. 367, 374 . . . (*Bertine*)), the action taken must nonetheless be reasonable in light of the justification for the impound and inventory exception to the search warrant requirement. Reasonableness is '[t]he touchstone of the Fourth Amendment.' [Citation.]" (*People v. Williams* (2006) 145 Cal.App.4th 756, 761-762 (*Williams*).)

Opperman involved an inventory search of a vehicle conducted after it had been towed from the scene. (*Opperman, supra,* 428 U.S. at pp. 365-366, 375-376 [96 S.Ct. at

pp. 3095, 3100].) However, an otherwise valid inventory search is not rendered invalid merely because the search preceded the towing of the vehicle. (Cf. *People v. Benites* (1992) 9 Cal.App.4th 309, 314, 321; *People v. Burch* (1986) 188 Cal.App.3d 172, 175-176, 180; *Colorado v. Bertine*, *supra*, 479 U.S. 367, 368-369.)

"It is well settled that inventories of impounded vehicles are reasonable where the process is aimed at securing or protecting the car and its contents. [Citation.] Such searches are unreasonable and therefore violative of the Fourth Amendment when used as a ruse to conduct an investigatory search. [Citation.]" (*People v. Steeley* (1989) 210 Cal.App.3d 887, 891-892.)

Former Vehicle Code section 22651, states, in relevant part: "Any peace officer, . . . may remove a vehicle located within the territorial limits in which the officer . . . may act, under any of the following circumstances: [¶] . . . [¶] (g) When the person or persons in charge of a vehicle upon a highway or any public lands are, by reason of physical injuries or illness, incapacitated to an extent so as to be unable to provide for its custody or removal. [¶] (h) (1) When an officer arrests any person driving . . . a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into custody. [¶] . . . [¶] (p) When the peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500, . . ."

b. *Application of the Law to this Case.*

This is not a case in which police seized a vehicle by towing it and later conducted an inventory search of the vehicle at a police storage facility. Instead, after a decision was made to impound the SUV and, according to Delgadillo's testimony, after impounding had begun, Ocegueda conducted an inventory search of the SUV at the scene of the traffic stop and before any towing of the SUV.

We assume without deciding that a "seizure[]" of the SUV within the meaning of the Fourth Amendment occurred when Ocegueda began conducting the inventory search

of the SUV prior to any towing. (See *Miranda, supra,* 429 F.3d at pp. 862-863.) The remaining issue is whether that seizure was reasonable under the Fourth Amendment.[5]

As mentioned, an otherwise valid inventory search is not rendered invalid merely because the search preceded the towing of the vehicle. We similarly conclude that a seizure of a vehicle to conduct such an inventory search prior to towing may, under the totality of the circumstances, be reasonable under the Fourth Amendment when, at the time of that seizure, police are entitled to tow the vehicle pursuant to the community caretaking doctrine.

Delgadillo's testimony indicated the following. After Ocegueda ran Delgado's name on the computer and confirmed that Delgado did not have a driver's license, the decision was made to impound the SUV. After Ocegueda advised Delgadillo that Delgado did not have a driver's license, Ocegueda proceeded to impound the SUV and later began conducting an inventory search thereof.

Former Vehicle Code section 22651, specifies circumstances in which a vehicle may be "remove[d]." Once such circumstance is specified in former Vehicle Code section 22651, subdivision (h)(1), which we have quoted. In the present case, Delgado was driving a vehicle. The trial court reasonably could have concluded that Delgado was initially arrested for the alleged offense of violating Vehicle Code section 12500, subdivision (a), i.e., driving without a valid driver's license. The officers were required or permitted to take Delgado into custody for that offense. (Cf. *People v. McKay* (2002) 27 Cal.4th 601, 619-625; *People v. Monroe* (1993) 12 Cal.App.4th 1174, 1180-1190; Veh. Code, § 40302, subd. (a).) Moreover, once stopped, Delgado was not free to leave. Delgadillo testified the officers did not issue a citation to Delgado but arrested him; therefore, the trial court reasonably could have concluded Delgado was taken into custody. Appellant concedes in his reply brief, "Upon verification that the driver had no

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[5] Although appellant argues the inventory search was unlawful because the impounding or seizure of the SUV was unlawful, there is no dispute that if police lawfully seized the SUV, the subsequent inventory search thereof was lawful.

California driver's license, the driver was arrested, not cited, . . ." At the time Ocegueda began conducting the inventory search, the officers were entitled to remove the SUV under former Vehicle Code section 22651, subdivision (h)(1).

Former Vehicle Code section 22651, subdivision (p), quoted previously in relevant part, is also pertinent. There was substantial evidence that Ocegueda decided to impound the SUV because Delgado had been driving in violation of Vehicle Code section 12500. Thus, there was substantial evidence that, when Ocegueda began the inventory search of the SUV, he was entitled to issue Delgado a notice to appear for a violation of that section, and to tow the SUV under former section 22651, subdivision (p). That fact is not altered by the fact that Ocegueda did not later issue the notice because Delgado was arrested for the greater charge of illegal possession of a firearm.[6] (See *People v. Burch, supra,* 188 Cal.App.3d at p. 180.) There was also substantial evidence that the actions of the officers in the present case were pursuant to standardized LAPD policy.[7]

Moreover, in the present case, about 1:00 a.m. the officers conducted a nighttime stop of the SUV near the intersection of Third and Occidental, urban thoroughfares in the City of Los Angeles. Even if the SUV was legally parked, Ocegueda's seizure of the SUV in the above described circumstances in order to conduct an inventory search in preparation for the towing of the SUV from its public location served the community caretaking functions of (1) preventing the SUV from being a target of vandalism or theft,

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[6] There is no need to reach the issue of whether former Vehicle Code section 22651, subdivision (g) applies in this case.

[7] Delgadillo testified that Delgado had no license, there was the letter of the law and the spirit of the law, and "[w]e like to go with the letter of the law, and that is that if someone is driving a vehicle in California with no license, that car can be impounded." He also testified that if a car's registered owner, who had a valid driver's license, had a car being driven by someone without a license, the car was going to be impounded. He further testified "department policy states that we impound when they're an unlicensed driver." The fact that, after repeated efforts, appellant may have elicited more qualified testimony from Delgadillo on the issue does not compel a contrary conclusion. We note there was no need for the standardized police impound policy to be written. (Cf. *People v. Steeley, supra,* 210 Cal.App.3d at p. 891.)

and (2) removing the SUV from a location where it was at the risk of loss.[8] No evidence was presented that the seizure of the SUV to conduct an inventory search was a ruse to conduct a criminal investigation.

We note in this regard that, appellant, citing *Miranda*, concedes "[a]n impoundment may be proper under the community caretaking doctrine if the driver's violation of a vehicle regulation prevents the driver from lawfully operating the vehicle, and also if it is necessary to remove the vehicle from an *exposed or public location*." (Italics added.) She also concedes "The violation of a traffic regulation justifies impoundment of a vehicle if the driver is unable to remove the vehicle *from a public location* without continuing its illegal operation." (Italics added.)

We conclude that, in light of the totality of the circumstances, Ocegueda's seizure of the SUV to conduct an inventory search prior to the towing of the SUV was reasonable under the Fourth Amendment because, at the time of the seizure, the officers were entitled to tow the vehicle pursuant to the community caretaking doctrine. We emphasize that, in reaching our conclusion, we are not relying on the mere facts that the officers had

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[8] The fact the officers did not testify they were subjectively considering these facts does not compel a contrary conclusion since the officers were obviously aware of the time and location of a traffic stop which occurred in an area they had been assigned to patrol. " ' "[T]he fact that the officer does not have the state of mind which is hypothecated by the reasons which provide the legal justification for the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action." ' (*Whren* [*v. U.S.* (1996) 517 U.S. 806], 813 [135 L.Ed.2d 89, 98].)" (*People v. Woods* (1999) 21 Cal.4th 668, 680.) As appellant observes in the context of his discussion of the legality of the detention, " '[A]lmost without exception in evaluating alleged violations of the Fourth Amendment the Court has first undertaken an objective assessment of an officer's actions in light of the facts and circumstances then known to him.' " (*People v. Sanders* (2003) 31 Cal.4th 318, 334.) Although Delgadillo presented testimony indicating the SUV could be impounded simply because Delgado was an unlicensed driver, this is not a case in which the officers were unaware of the additional facts concerning the time and location of a traffic stop which occurred in an area they were assigned to patrol, which said facts supported the seizure of the SUV under the community caretaking doctrine.

reasonable cause to stop the SUV or that the officers were entitled to remove the SUV as a matter of state law and/or LAPD policy.

Appellant effectively argues the seizure of the SUV to conduct an inventory search was unreasonable because appellant had a valid driver's license, she was the registered owner of the SUV, and she could have driven the SUV away. Appellant also argues Delgadillo saw no injuries to appellant and provided no reason why appellant could not have driven the SUV away, and the People presented no evidence that the SUV's other occupants were unlicensed and could not have driven the SUV away.

Nonetheless, there was substantial evidence as follows. Ocegueda proceeded to impound the SUV and he conducted an inventory search in preparation for the towing of the SUV. Prior to the inventory search, appellant never said anything about a license. After the search began, appellant *claimed* she had a driver's license. Delgadillo did not then testify whether appellant claimed her alleged driver's license was valid.[9] After the search had begun, Delgadillo asked appellant why she was not driving, and appellant indicated that she was unable to drive because she was hurt. Notwithstanding appellant's suggestion to the contrary, Delgadillo did not testify at the suppression hearing that he "saw no injuries to" appellant. Moreover, only after Ocegueda, according to Delgadillo's testimony, proceeded to impound the SUV and begin the inventory search did appellant claim the SUV was hers, and she did not present proof of registration at that time. At some point, Delgadillo found the SUV's vehicle identification number but, according to Delgadillo, it was not run until after Ocegueda had begun the impound and inventory search, and until after everything else had been done. At some point, appellant either claimed she had a valid driver's license or showed one to Delgadillo.

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[9] There was also evidence that appellant "t[old]" Delgadillo "about . . . a valid [driver's] license" before Ocegueda began searching the SUV. That evidence did not render insubstantial the substantial evidence to the contrary. Moreover, Delgadillo did not then testify that appellant actually *showed* to Delgadillo a valid driver's license for appellant.

No evidence was presented at the suppression hearing concerning the age of the occupants other than Delgado and appellant, or whether the occupants other than appellant and Delgado were legally old enough to drive or had valid driver's licenses. Delgadillo was not obligated by the Fourth Amendment to determine whether the other occupants were legally old enough to drive, whether they had valid driver's licenses, and/or whether appellant would permit them to drive the SUV away. "The fact that there may be less intrusive means of protecting a vehicle and its contents does not render the decision to impound unreasonable." (*People v. Steeley, supra*, 210 Cal.App.3d at p. 892.) Accordingly, the trial court properly denied appellant's suppression motion and motion for reconsideration.

Neither *Miranda* (the case cited as the basis for appellant's motion for reconsideration) nor *Williams* compels a contrary conclusion. In *Miranda*, police stopped an unlicensed erratic driver. The driver's husband had been teaching the driver how to drive. She stopped and legally parked in her own home driveway, and police impounded her vehicle even though her husband had a valid driver's license and registration for the vehicle. In *Williams*, police stopped the driver, but knew the driver had stopped and legally parked in front of his own residence, and police admitted the car could have been locked and left where the defendant had parked it. *Williams* (which relied in part on *Miranda*) stated, "The possibility that the vehicle would be stolen, broken into, or vandalized was *no greater* than if [police] had not stopped and arrested [the defendant] as he returned home. In this regard, it is significant that other cars were parked on the street and that it was a *residential* area." (*Williams, supra*, 145 Cal.App.4th at p. 762, italics added.) Appellant's reliance upon *Miranda* and *Williams* is inapposite.

DISPOSITION

The judgment is affirmed.

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KITCHING, J.

We concur:

KLEIN, P. J.

CROSKEY, J.